

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TAMMECO A. CARGILL,	)	CASE NO.: 4:24CV1280
	)	
Petitioner,	)	JUDGE CHARLES ESQUE FLEMING
	)	U.S. DISTRICT JUDGE
	)	
	)	MAGISTRATE JUDGE
WARDEN IAN HEALY,	)	CARMEN E. HENDERSON
	)	
Defendant.	)	<b><u>REPORT &amp; RECOMMENDATION</u></b>
	)	

Pro se Petitioner Tammeco A. Cargill filed a 28 U.S.C. § 2241 petition (ECF Nos. 1, 2) challenging the Bureau of Prison’s (“BOP”) determination of his eligibility to good conduct time credit under the First Step Act of 2018 (“FSA”). Cargill also moved for emergency injunctive relief seeking an order that would immediately place him in a residential reentry facility. (ECF No. 3). This matter was referred to the undersigned on September 11, 2024. On October 2, 2024, the Warden answered the petition and responded to Cargill’s motion for emergency injunctive relief. (ECF No. 7). Additionally, within the Answer, the Warden moved to dismiss the petition. (*See* ECF No. 7). On October 2, 2024, this Court recommended the Court DENY Cargill’s motion for emergency injunctive relief and dismiss his petition and not grant him a certificate of appealability. (ECF No. 8). However, this Court did not make a recommendation specific to the Warden’s motion to dismiss the petition. On October 9, 2024, Cargill replied in support of his motion for emergency injunctive relief and in opposition to the Warden’s motion to dismiss the petition. (ECF Nos. 9, 10).

Neither Cargill’s reply nor his opposition to the motion to dismiss change the Court’s

earlier analysis or recommendation. Cargill appears to contend that the order of removal is either not “final” or somehow invalid. (*See* ECF Nos. 9, 10). The Court finds no merit in either contention. First, Cargill cannot challenge the validity of his order of removal in this proceeding. *See Martinez v. Larose*, 968 F.3d 555, 563 (6th Cir. 2020). Second, the Government has provided the Expedited Order of Removal. (ECF No. 7-3). This Court finds that such an order properly lodges a detainer and deprives Cargill of eligibility for FSA credits. *See Alexander v. Healy*, No. 4:23-CV-02384, 2024 WL 2020281, at \*3 (N.D. Ohio May 7, 2024).

Accordingly, based on the Court’s analysis set forth in Report and Recommendation (ECF No. 8), this Court recommends DENYING AS MOOT the Warden’s motion to dismiss the petition.

DATED: October 16, 2024

s/ Carmen E Henderson  
Carmen E. Henderson  
United States Magistrate Judge

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### OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of this document. Failure to file objections within the specified time may forfeit the right to appeal the District Court’s order. *Berkshire v. Beauvais*, 928 F.3d 520, 530-31 (6th Cir. 2019).